

Adopted	Rejected
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COMMITTEE REPORT

YES:	13
NO:	0

MR. SPEAKER:

*Your Committee on **Elections and Apportionment**, to which was referred Senate Bill 268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on~~
- 4 ~~which votes are recorded by the process of punching or marking; refers~~
- 5 **to either a punch card ballot or an optical scan ballot.**
- 6 SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE
- 7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 8 1, 2001]: **Sec. 4.5. "Ballot card voting system" refers to either a**
- 9 **punch card voting system or an optical scan voting system.**
- 10 SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE
- 11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2001]: **Sec. 33.8. "Optical scan ballot" means a card or another**
- 13 **paper on which votes are:**
- 14 **(1) recorded by marking the card or paper in ink or pencil;**
- 15 **and**
- 16 **(2) tabulated by an optical system that reads the marks on the**

1 **card or paper.**

2 SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE
3 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting**
5 **system using optical scan ballots.**

6 SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which**
9 **votes are recorded by punching holes in the card.**

10 SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE
11 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting**
13 **system using punch card ballots.**

14 SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999,
15 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in
17 a precinct, after a voter has marked a ballot card the voter shall place
18 it inside the envelope provided for this purpose and return it to the
19 judge.

20 (b) The judge shall remove the stub from the ballot card. This
21 subsection does not apply to an optical scan ~~ballot card~~ voting system.

22 (c) The judge shall then offer to return the envelope with the ballot
23 card inside to the voter. The voter shall:

24 (1) accept the envelope and deposit it with the ballot card inside
25 into the ballot box; or

26 (2) decline the envelope and require the judge to deposit it in the
27 ballot box.

28 (d) The voter then shall leave the polls.

29 SECTION 8. IC 3-11-6.5 IS ADDED TO THE INDIANA CODE
30 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
31 UPON PASSAGE]:

32 **Chapter 6.5. Voting System Improvement**

33 **Sec. 1. (a) As used in this section, "department" refers to the**
34 **Indiana department of administration established by IC 4-13-1-2.**

35 **(b) The department shall award quantity purchase agreements**
36 **to vendors for the purchase of new voting systems or upgrades or**
37 **expansion of existing voting systems by counties.**

38 **(c) Both of the following must apply before the department may**

1 issue a quantity purchase agreement to a voting system vendor:

2 (1) The commission has found that all of the following would
3 be enhanced by the vendor's new or upgraded voting system:

4 (A) Reliability of a county's voting system.

5 (B) Efficiency of a county's voting system.

6 (C) Ease of use by voters.

7 (D) Public confidence in a county's voting system.

8 (2) The commission has otherwise certified the vendor's new
9 voting system or the upgrade or expansion of the existing
10 voting system for use under this title.

11 Sec. 2. (a) The voting system improvement fund is established
12 for the purpose of reimbursing counties for the purchase of new
13 voting systems or for the upgrade or expansion of existing voting
14 systems.

15 (b) The fund consists of the following:

16 (1) Money appropriated to the fund by the general assembly,
17 including any money appropriated from the build Indiana
18 fund.

19 (2) All money allocated to the state by the federal government
20 for improvement of voting systems.

21 (3) Proceeds of bonds issued by the Indiana bond bank for
22 improvement of voting systems as authorized by law.

23 The auditor of state shall establish an account within the fund for
24 money appropriated by the general assembly and bond proceeds
25 and a separate account within the fund for any money received by
26 the state from the federal government.

27 (c) The election division shall administer the fund.

28 (d) The expenses of administering the fund shall be paid from
29 money in the fund.

30 (e) The treasurer of state shall invest the money in the fund not
31 currently needed to meet the obligations of the fund in the same
32 manner as other public money may be invested. Interest that
33 accrues from these investments shall be deposited in the fund.

34 (f) Money in the fund at the end of a state fiscal year does not
35 revert to the state general fund.

36 (g) Money in the fund is appropriated continuously for the
37 purposes stated in subsection (a).

38 Sec. 3. To receive reimbursement for the purchase of a new

1 voting system or an upgrade or expansion of an existing voting
2 system, a county must make an application to the budget agency
3 not later than January 1, 2003, in the form required by the budget
4 agency.

5 Sec. 4. The budget agency, after review by the budget
6 committee, shall approve a county's application for reimbursement
7 under this chapter if the county's application demonstrates to the
8 budget agency all of the following:

9 (1) That the county has purchased or has awarded a contract
10 to purchase a new voting system or an upgrade or expansion
11 of an existing voting system.

12 (2) That the voting system or the upgrade or expansion of the
13 voting system was, or will be, purchased from a vendor that
14 has a quantity purchase agreement awarded under section 1
15 of this chapter.

16 Sec. 5. (a) If a county's application is approved under section 4
17 of this chapter, the election division shall, subject to this section,
18 reimburse the county from the voting system improvement fund an
19 amount equal to fifty percent (50%) of the amount required for the
20 purchase of a new voting system or the upgrade or expansion of an
21 existing voting system.

22 (b) Payment of money from the voting system improvement
23 fund is subject to the availability of money in the fund.

24 (c) It is the intent of the general assembly that a county eligible
25 for reimbursement under section 4 of this chapter be reimbursed
26 from federal money received by the state to the maximum extent
27 permitted by federal law.

28 (d) This section expires January 1, 2005.

29 Sec. 6. If federal money remains in the voting system
30 improvement fund after all counties eligible for reimbursement
31 under section 5 of this chapter have been reimbursed from federal
32 funds to the maximum extent permitted by federal law, the
33 remaining federal money reverts to the voting system education
34 fund established by section 7 of this chapter, to the extent
35 permitted by federal law.

36 Sec. 7. (a) The voting system education fund is established for
37 the purpose of providing money for development and
38 implementation of programs by counties for educating voters

1 about voting procedures.

2 (b) The fund consists of money appropriated to the fund by the
3 general assembly, including any money appropriated from the
4 build Indiana fund.

5 (c) The election division shall administer the fund.

6 (d) The expenses of administering the fund shall be paid from
7 money in the fund.

8 (e) The treasurer of state shall invest the money in the fund not
9 currently needed to meet the obligations of the fund in the same
10 manner as other public money may be invested. Interest that
11 accrues from these investments shall be deposited in the fund.

12 (f) Money in the fund at the end of a state fiscal year does not
13 revert to the state general fund.

14 (g) Money in the fund is appropriated continuously for the
15 purposes stated in subsection (a).

16 Sec. 8. (a) To receive payment for the development and
17 implementation of a program for educating voters about voting
18 procedures, a county must make an application to the budget
19 agency in the form required by the budget agency.

20 (b) The budget agency, after review by the budget committee,
21 shall approve a county's application for payment under this
22 chapter if the county's application demonstrates to the budget
23 agency all of the following:

24 (1) That the county has developed a program for educating
25 voters about the use of the county's voting system.

26 (2) That the commission has approved the program and the
27 county's implementation plan for the program.

28 (3) That the program will enhance all of the following:

29 (A) Familiarity of voters with the county's voting system.

30 (B) Accessibility of the county's voting system to voters.

31 (C) Ease of use of the county's voting system by voters.

32 (D) Public confidence in the county's voting system.

33 (c) If a county's application is approved under this section, the
34 division shall, subject to subsections (d) and (e), pay the county
35 from the voting system education fund an amount equal to fifty
36 percent (50%) of the amount of reasonable development and
37 implementation costs of the county's program for educating voters
38 about voting procedures, as determined by the budget agency.

1 **(d) Payment of money from the voting system education fund**
 2 **under this section is subject to the availability of money in the**
 3 **fund.**

4 SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2001]: Sec. 1. **(a)** The commission must
 6 approve a ballot card voting system before it may be used in an
 7 election.

8 **(b) After June 30, 2001, the commission may not approve a**
 9 **punch card ballot system for use in an election.**

10 **(c) After December 31, 2004, a punch card ballot system may**
 11 **not be used in an election.**

12 SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999,
 13 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card
 15 voting system is used, a county election board shall:

- 16 (1) have the marking devices prepared for the election;
- 17 (2) have the marking devices put in order, set and adjusted, and
- 18 made ready for voting when delivered to the precincts; and
- 19 (3) provide the precinct election officers with marking devices, a
- 20 demonstration marking device (except in precincts using optical
- 21 scan ~~ballot cards~~), **ballots**), ballot cards, ballot boxes, ballot
- 22 labels, and other records and supplies as required.

23 (b) While acting under subsection (a), the county election board
 24 may restrict access to parts of the room where marking devices and
 25 other election material are being handled to safeguard this material.

26 (c) Each county election board shall have each ballot card voting
 27 system, along with all necessary furniture and appliances that go with
 28 the system at the polls, delivered to the appropriate precinct not later
 29 than 6 p.m. of the day before election day. The county executive shall
 30 provide transportation for the systems if requested to do so by the
 31 county election board.

32 SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999,
 33 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an
 35 optical scan ~~ballot card~~ voting system. Each ballot card provided under
 36 section 17 of this chapter must have two (2) attached perforated stubs
 37 on which is printed the same serial number. The top stub shall be
 38 bound or stapled in the package of ballot cards retained by the precinct

1 election officers. The following information must be printed on the
2 second stub:

- 3 (1) The name of the political subdivision holding the election.
- 4 (2) The designation of the election.
- 5 (3) The date of the election.
- 6 (4) The instructions to the voters.
- 7 (5) In a primary election, the name of the political party.
- 8 (b) The county election board in a county using a ballot card voting
9 system shall provide ballot cards to the precinct election board that
10 permit voters to cast write-in votes for each officer to be voted for at
11 that election.
- 12 (c) The ballot cards provided under subsection (b) must be:
 - 13 (1) designed to be folded; or
 - 14 (2) accompanied by a secrecy envelope;
- 15 to ensure the secrecy of each of the votes cast by a voter.
- 16 (d) A write-in vote shall be cast by printing the name of the
17 candidate and the title of the office in the space provided for write-in
18 votes on a ballot card or secrecy envelope.

19 SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000,
20 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical
22 scan ~~ballot card~~ voting system.

23 (b) Each county election board shall maintain a record of the serial
24 numbers of all of the ballot cards provided to a precinct and shall note
25 in this record the precinct to which each ballot card relates.

26 SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999,
27 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed
29 to vote.

30 (b) This subsection does not apply to an optical scan ~~ballot card~~
31 voting system. After a voter has signed the poll list, the poll clerk
32 holding the ballot card shall remove the top stub, as described in
33 section 18 of this chapter, and deliver to the voter one (1) of each ballot
34 card that the voter is entitled to vote at the election. The top stub (and
35 any second stub declined by the voter under section 33 of this chapter)
36 shall be retained by the precinct election board and returned to the
37 election board following the close of the polls.

38 (c) As each successive voter calls for a ballot, the poll clerks shall

1 deliver to the voter the first initialed ballot of each type. The inspector
 2 shall then deliver to the poll clerks another ballot of each type, which
 3 the clerks shall initial as before.

4 SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999,
 5 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the
 7 voter shall place it inside the envelope provided for this purpose or fold
 8 the envelope described in section 18(c)(1) of this chapter and return the
 9 ballot card to the judge.

10 (b) This subsection does not apply to an optical scan ballot ~~card~~ or
 11 to a ballot card with a fold-over envelope. The judge shall remove the
 12 second stub, as described in section 18 of this chapter, from the
 13 envelope and offer the second stub to the voter.

14 (c) The judge shall offer to return the envelope with the ballot card
 15 inside to the voter. The voter shall:

- 16 (1) accept the envelope and deposit it in the ballot box; or
- 17 (2) decline the envelope and require the judge to deposit it in the
 18 ballot box.

19 (d) If a voter offers to vote a ballot card that is not inside the
 20 envelope provided for this purpose or with the envelope not folded if
 21 the ballot is described in section 18(c)(1) of this chapter, the precinct
 22 election board shall direct the voter to return to the booth and place the
 23 ballot card in the envelope provided for this purpose or fold the
 24 envelope.

25 (e) After a voter's ballot cards have been deposited in the ballot box,
 26 the poll clerks shall make a voting mark after the voter's name on the
 27 poll list.

28 (f) After voting, a voter shall leave the polls. However, a voter to
 29 whom ballot cards and a marking device have been delivered may not
 30 leave the polls without voting the ballot cards or returning them to the
 31 poll clerk from whom the voter received them.

32 SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999,
 33 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or
 35 marks it erroneously, the voter shall return the card so as not to disclose
 36 any choices that the voter has made.

37 (b) This subsection does not apply to an optical scan ballot. ~~card~~: A
 38 voter returning a ballot must comply with subsection (a) by folding the

1 stub on the ballot card.

2 (c) After complying with subsection (b), the voter then may receive
3 another ballot card. Upon receipt of a defective ballot card, the precinct
4 election board shall:

5 (1) immediately cancel the defective card by writing on the back
6 of the card and stub the word "VOID" in ink or in indelible pencil;
7 and

8 (2) without detaching any stub attached to the card, place the card
9 in the container for voided ballots in a manner that does not
10 expose the choices of the voter.

11 **SECTION 16. An emergency is declared for this act.**

(Reference is to SB 268 as printed January 30, 2001.)

and when so amended that said bill do pass.

Representative Kromkowski